**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION.**

**FIRST APPEAL NO.324 OF 1999.**

The State of Maharashtra : Appellants.

versus

Namdeo Bhanudas Sitole & Anr. : Respondents.

Mr.S.N.Gawade, AGP, for the State/Appellants.

None for the respondents.

**CORAM : D.G.DESHPANDE,J.**

**DATED : 21st APRIL 2005.**

**ORAL ORDER**

1. Heard the learned AGP for the State. Notices were served upon the respondents. They are absent. This appeal is filed by the State challenging the judgment of the Reference Court dated 28.3.1994 in a reference under the Land Acquisition Act.

2. An area of 2 Hectare from Gat No.349 of the claimants/respondents was acquired for Minor Irrigation Tank, Kalambwadi. The Special Land Acquisition Officer awarded Rs.18,000/- per hector after classifying the land in four groups of seasonal bagayat lands. The grouping depended on the land revenue. For Group I, compensation was at Rs.7800/- per hector; for Group II it was at Rs.9000/- per hector; for Group III it was at Rs.10500/- and; for Group IV it was at Rs.12000/- per hector. The Reference Court found that this classification and grouping was not proper. If Rs.12000/- per hector was given as maximum compensation, then, according to the Reference Court, the claimants were entitled to additional amount of Rs.6000/-. On and above the claimants were also paid additional compensation of Rs.3360/- and Rs.1800/- as solatium. The approach of the reference Court is proper. It is not unjust. In the circumstances, therefore, there is no merit in this appeal. The same is dismissed. No order as to costs.

[D.G.DESHPANDE]

21/04/2005 JUDGE.